IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 1ST DECEMBER 2006 / 10TH AGRAHAYANA 1928

Bail Appl..No. 7217 of 2006(B)

LP 47/01 in CP 43/98 of Judl. First Class Magistrate Court,Karunagappally
Crime No.394/1994 of Karunagappally Police Station.

PETITIONER/2ND ACCUSED:

BRAHMADEVAN ANILKUMAR,
AMBILI BHAVANAM, ADINADU THEKKUMMURI,
ADINADU VILLAGE.

BY ADV. SRI.P.B.SAHASRANAMAN

RESPONDENTS:

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1. THE CIRCLE INSPECTOR OF POLICE,
KARUNAGAPPALLY.

2. STATE OF KERALA,
REPRESENTED BY ITS THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.Ramkumar, J.
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B.A.No.7217 of 2006
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Dated this the 1st day of December, 2006.

ORDER

Petitioner, who is the second accused in Crime No.394 of 1994 of Karunagappally Police Station for offences punishable under Sections 307 and 324 read with Section 34 I.P.C., seeks anticipatory bail.

2. Consequent on the non-appearance of the accused before the J.F.C.M., Karunagappally in C.P. No.43 of 1998, the case against him has been transferred to the long pending register and registered as L.P.No.47 of 2001. Admitteldy, non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted in a case of this nature so as to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the committal court and seeks bail. Accordingly, if the petitioner surrenders before the committal court and files an application for regular bail within 10 days from today, the same shall be considered and disposed of preferably on the same date on which it is filed after considering the explanation offered by the petitioner for

his previous non-appearance and also after considering the petitioner's contention that the other accused persons in the case have already been acquitted.

This application is dismissed with the above direction.

V.Ramkumar,
Judge.

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